

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA, *ex rel.*  
JAMES MONAHAN,

Plaintiff,

v.

ROBERT WOOD JOHNSON  
UNIVERSITY HOSPITAL AT  
HAMILTON,

Defendant.

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UNITED STATES OF AMERICA, *ex rel.*  
PETER SALVATORI, et al.

Plaintiffs,

v.

ROBERT WOOD JOHNSON  
UNIVERSITY HOSPITAL AT  
HAMILTON,

Defendant.

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Civil Action No. 02-5702 (JAG)

**ORDER**

Civil Action No. 08-1265 (JAG)

**GREENAWAY, JR., U.S.D.J.**

This matter comes before this Court on the motion to dismiss the Complaint by defendant Robert Wood Johnson University Hospital at Hamilton, pursuant to FED. R. CIV. P. 12(b)(6), for failure to state a claim upon which relief can be granted, and pursuant to FED. R. CIV. P. 9(b), for

failure to plead with particularity; and it appearing that this Court reviewed the parties' submissions, and for the reasons set forth in the forthcoming Opinion, and good cause appearing,

IT IS on this 31<sup>st</sup> day of March, 2009,

ORDERED that the motion to dismiss by defendant Robert Wood Johnson University Hospital at Hamilton (Docket Entry No. 56) is DENIED; and it is further

ORDERED that a copy of this Order be served on all parties within seven (7) days of the date of entry of this Order.

S/Joseph A. Greenaway, Jr.  
JOSEPH A. GREENAWAY, JR., U.S.D.J.